

### REMARKS

This application has been reviewed in light of the Final Office Action mailed July 13, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1-32 are pending in the application with Claims 1, 11, 16, 26 and 31-32 being in independent form.

#### **I. Rejection of Claims 1-32 Under 35 U.S.C. §103(a)**

Claims 1-32 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,801,747 issued to Bedard in view of U.S. Patent No. 5,734,444 issued to Yoshinobu. Applicant respectfully traverses the rejection with respect to Claims 1-32 for at least the following reasons.

Bedard teaches a method and apparatus for monitoring television-viewing activity to determine preferred categories of programming and preferred channels of a viewer. Programming and channel preferences are stored and used to customize electronic program guides (EPG) according to a viewer's previous viewing habits.

However, Bedard fails to disclose or suggest establishing at least two viewing history sub-sets, generating a set of program recommendation scores for a set of programs in a given time interval based on at least two viewing history subsets and comparing the sets of program recommendation scores to identify a change in viewer preferences, as recited by Applicant's Claim 1. Similar relevant limitations are recited by the remaining Independent Claims, namely Claims 11, 16, 26, 31 and 32.

Applicant's claimed invention compares the generated program recommendations of each of the viewing history sub-sets for a given time interval, for example, the time interval of 6pm to Midnight. It is clear from Applicant's specification, that viewing history sub-sets  $VH_1$  and  $VH_k$

span the same time interval, but may be separated, e.g., by several weeks or months. The comparison of the two sub-sets would yield any changes in a viewer's viewing habits. This is not possible given the method disclosed in Bedard. Bedard simply tracks how often one program is viewed over another.

Supposing one program is an evening news program, which is often viewed every night, and a second program is a favorite weekly episodic program. Using Bedard method, the favorite weekly program would have a lower rating than the evening news program. Consequently, the favorite weekly program would be replaced by a new program sooner than the evening news program in the preferred programming list of Bedard. However, Applicant's claimed invention compares the two viewing history sub-sets to determine if viewing habits have changed over time.

Combining Bedard with Yoshinobu does not overcome the above-identified deficiencies present in Bedard. Yoshinobu discloses a broadcast receiving apparatus that automatically records frequently watched programs. The Yoshinobu apparatus essentially creates a viewing history much like Bedard and tracks how often a particular channel is viewed at a given time interval. If a channel exceeds a predetermined viewing frequency, the channel is added to a list of preferred channels for that time slot.

However, this is not analogous to Applicant's claimed invention. The claimed invention compares the sets of program recommendation scores corresponding to two or more viewing history sub-sets to identify if a viewer's viewing habits have changed. There is no such comparison, or identification, disclosed or suggested in Yoshinobu.

Therefore, Bedard and Yoshinobu, taken alone or in any proper combination, fail to disclose or suggest Applicant's claimed invention as recited in Claims 1, 11, 16, 26 and 31-32.

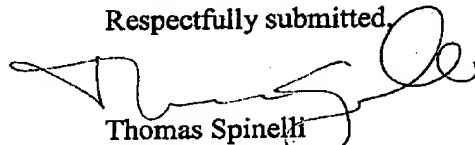
Thus for at least the reasons given above, these claims are believed patentably distinct and allowable over the cited prior art references. In addition, Claims 2-10, 12-15, 17-25 and 27-30 depend from Independent Claims 1, 11, 16, 26 and 31 and thus are limited by the limitations cited by those independent claims. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1-32 under 35 U.S.C. § 103(a) over Bedard in view of Yoshinobu.

### CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-32 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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